

RULE REPORT

Department of Commerce

Clearinghouse Rule No.: 09-116

Rule No.: Comm 2.68

Relating to: Public Swimming and Water Attraction Plan Review and Inspection Fees

Contact person for substantive questions:

Contact person for internal processing:

Name James Quast

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Title Program Manager

Title Program Manager

Telephone Number (608) 266-9292

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1. Basis and purpose of the proposed rule.

The objective of the rule is to revise the fees the Department charges to review plans and to inspect public swimming pools and water attraction to reflect the cost of providing the services.

2. How the proposed rule advances relevant statutory goals or purposes.

Section 101.19, Stats., requires the Department to fix and collect fees by rule which shall, as closely a possible, equal the cost of providing services such as plan examination, inspections, and permits to operate.

3. Changes to the rule analysis or fiscal estimate that was prepared for public hearing.

No substantial changes were made to the rule analysis or the fiscal estimate.

RESPONSE TO LEGISLATIVE COUNCIL CLEARINGHOUSE REPORT

Department of Commerce

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Name: James Quast

Title: Program Manager

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Legislative Council report recommendations accepted in whole.

Yes

No

1. Review of statutory authority [s. 227.15(2)(a)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

2. Review of rules for form, style and placement in administrative code [s. 227.15(2)(c)]

a. Accepted

b. Accepted in part

c. Rejected

d. Comments attached

(Continued on reverse side)

3. Review rules for conflict with or duplication of existing rules [s. 227.15(2)(d)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
4. Review rules for adequate references to related statutes, rules and forms [s. 227.15(2)(e)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness [s. 227.15(2)(f)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations [s. 227.15(2)(g)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
7. Review rules for permit action deadline [s. 227.15(2)(h)]
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached

**DEPARTMENT OF COMMERCE
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

Clearinghouse Rule Number: 09-116		Hearing Location: Madison	
Rule Number: Comm 2.68		Hearing Date: January 21, 2010	
Relating to: Public Swimming Pool and Water Attraction Plan Review and Inspection Fees			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
No public hearing comments were received for either the proposed rules or the emergency rules.			

FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

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Final regulatory flexibility analysis not required. (Statement of determination required.)

Pursuant to s. 227.19 (3m), Stats., the department has determined that the proposed rules will not have a significant economic impact on a substantial number of small businesses.

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.
2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.

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**COMMENTS ON LEGISLATIVE COUNCIL
CLEARINGHOUSE REPORT**

Clearinghouse Rule No. 09-116

Rule No.: Comm 2.68

Relating to: Public Swimming Pool and Water Attraction Plan Review and Inspection Fees

2. Form, Style and Placement in Administrative Code

a. The analysis has been clarified to reference the current rules relative to the proposed reduction and lost potential revenue.

4. Adequacy of References to Related, Rules and Forms

The analysis has been revised to include a reference to s. 101.19, Stats.